

FILED

JAN 05 2010

PATRICK E. DUFFY, CLERK

By _____
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

WILLIAM W. CAMERON,)	CV 08-42-H-DWM-RKS
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
DOCTOR ELIZABETH RANTZ, M.D.,)	
et al.,)	
)	
Defendants.)	
_____)	

Plaintiff Cameron, a state prisoner proceeding pro se, brings this action under 42 U.S.C. § 1983 alleging constitutional violations relating to the medical treatment he has received while incarcerated at the Montana State Prison. Cameron filed a motion for a temporary restraining order and a motion for a preliminary injunction, seeking an order of this Court requiring prison officials to provide him with monthly doctor's appointments and access to a heart specialist.

United States Magistrate Judge Keith Strong has issued Findings and

Recommendations in which he concludes that the motion for injunctive relief should be denied. He explained that the motion does not comply with Fed. R. Civ. P. 65(b) and that it fails to meet the criteria for a preliminary injunction. Judge Strong also noted that Plaintiff Cameron previously raised the same issues in an earlier motion for injunctive relief in this case, which was denied.

Cameron did not timely object and so has waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court will review the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

I can find no clear error with Judge Strong's Findings and Recommendations (Doc. No. 106) and therefore adopt them in full.

Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion for temporary restraining order and preliminary injunction (Doc. No. 93) is DENIED.

DATED this 5 day of January, 2010.



Donald W. Molloy, District Judge
United States District Court

